

REMARKS AND ARGUMENTS

Applicants respectfully request reconsideration and allowance of all of the claims of the application. Claims 1-21 are presently pending. Claims amended herein are 1, 7, 8, 10, 14, and 19. No claims are withdrawn, cancelled or added herein.

Claim Amendments

Without conceding the propriety of the rejections herein and in the interest of expediting prosecution, Applicants amend claims 1, 7, 8, 10, 14, and 19 herein. Applicants amend claims to clarify claimed features. Such amendments are made to expedite prosecution and more quickly identify allowable subject matter. Such amendments are merely intended to clarify the claimed features, and should not be construed as further limiting the claimed invention in response to the cited references.

Support for the amendments to claims 1, 7, 8, 10, 14, and 19 are found in the Specification at least at page 2 lines 3-9, page 9 lines 21-22, and page 18 lines 14 – 22. Therefore, such amendments are fully supported by the Specification and do not constitute new matter.

SUBSTANTIVE MATTERS

Claim Rejections under 35 USC §102 and/or §103

The Examiner rejects claims 19-21 under § 102. For the reasons set forth below, the Examiner has not shown that the cited references anticipate the rejected claims.

In addition, the Examiner rejects claims 1-18 under § 103. For the reasons set forth below, the Examiner has not made a prima facie case showing that the rejected claims are obvious.

Accordingly, Applicants respectfully request that the § 102 and/or § 103 rejections be withdrawn and the case be passed along to issuance.

The Examiner's rejections are based upon the following references alone and/or in combination:

- **Watanabe** : *Watanabe et al.*, US Patent Publication No. 2003/0013444A1;
- **Stewart** : *Stewart*, US Patent No. 6,643,516 B1;
- **Verdonk** : *Verdonk*, US Patent No. 6,330,454 B1; and
- **McDowell** : *McDowell et al.*, US Patent Publication No. 2002/0035605 A1.

Anticipation Rejections

Applicants submit that the anticipation rejections are not valid because, for each rejected claim, no single reference discloses each and every element of that rejected claim. Furthermore, the elements disclosed in the single reference are not arranged in the manner recited by each rejected claim.

Based upon Watanabe

The Examiner rejects claims 19-21 under 35 U.S.C. § 102(a) as being anticipated by Watanabe. Applicants respectfully traverse the rejection of these claims. Based on the reasons given below, Applicants ask the Examiner to withdraw the rejection of these claims.

Independent Claim 19

Applicants submit that Watanabe does not anticipate this claim because it does not disclose the following elements as recited in this claim (with emphasis added):

- "the ***coordinates*** are received at the positioning server ***responsive to periodic expirations of a watchdog timer***"
- "the watchdog timer ***initialized responsive to receiving indicia of a presence including user context*** of associated ones of the plurality of network clients"

With respect to Watanabe, the Examiner indicates (Action p. 2-3) the following (with emphasis added):

Watanabe et al. teach that the mobile terminal (client includes positioning controller) sends a location registration request signal to the base station (positioning server) which includes status information. The status information includes the speed of the mobile terminal (position information). Although the base station and the location

information management node may actually determine the location area, the status (i.e. speed) is used for determining the location (paragraph 10). The current speed of the terminal reflects its position information, although moving. Further, the status information advertised by the mobile terminal includes a status number that corresponds to a location area, reading on the claimed "position location information," **since the claim does not require the actual present location, but rather information of/on the position/location (paragraph 12).** Also, once the status information (presence indicia) is transmitted to the base station with the location request signal (paragraph 10) and forwarded to the location management node, a periodic location registration timer value is set, which reads on the claimed "watchdog timer." This value is transmitted to the management node and to the mobile terminal. The periodic location registration timer is activated, and upon expiration, another location request signal is transmitted with the mobile terminal status (position information ... received at the positioning server responsive to periodic expirations of a watchdog timer).

Applicants have amended the claims at issue to recite "coordinates" instead of "position location information." Applicants respectfully submit that "coordinates" may not be equated to "status information" as described in Watanabe because they provide a more direct indicia of location. Even under the Examiner's broad interpretation, nowhere does Watanabe teach or suggest the status information including coordinates.

Therefore, Watanabe fails to teach or suggest "the **coordinates** are received at the positioning server **responsive to periodic expirations of a watchdog timer.**" Watanabe merely describes the base station receiving a **location registration request** signal and determining a location area based on the mobile terminal status information at the location area determining function unit 3c. See *Watanabe* at paragraph [0036]. Even if the location registration request signal includes status information, as asserted by the Examiner, the status information at most includes the moving speed, frequency of call arrival etc., and **not coordinates** of the mobile terminal. Indeed, only the base station determines a location area. See *Watanabe* at paragraph [0036] ("the base station controls the determination of a location area.")

In addition, Watanabe fails to teach or suggest “**receiving indicia of a presence including user context**” as presently recited in claim 19. As described in the present Specification on page 9 lines 21-22, various user contexts, such as In Meeting, On Vacation, In the Office, etc., can be provided as part of the presence information. The “status information” disclosed by Watanabe at most relates to the current speed, frequency of call arrival, etc., which are independent of such user contexts.

Consequently, Watanabe does not disclose all of the elements and features of this claim. Accordingly, Applicants respectfully ask the Examiner to withdraw the rejection of this claim.

Dependent Claims 20-21

These claims ultimately depend upon independent claim 19. As discussed above, claim 19 is allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

Obviousness Rejections

Lack of Prima Facie Case of Obviousness (MPEP § 2142)

Applicants disagree with the Examiner's obviousness rejections. Arguments presented herein point to various aspects of the record to demonstrate that all of the criteria set forth for making a prima facie case have not been met.

Based upon Stewart in view of Watanabe

The Examiner rejects claims 1-3, 7-9, 14 and 15 under 35 U.S.C. § 103(a) as being unpatentable over Stewart in view of Watanabe. Applicants respectfully traverse the rejection of these claims and ask the Examiner to withdraw the rejection of these claims.

Independent Claims 1, 7 and 14

Applicants submit that the combination of Stewart and Watanabe does not teach or suggest at least the following elements as recited in claim 1 (with emphasis added):

- "wherein said positioning server includes a **periodic timer for determining when said coordinates are to be received** from associated ones of said plurality of network clients responsive to **receiving indicia of a presence including user context** of said associated ones such that said coordinates are received responsive to periodic expirations of the timer."

Further, the combination of Stewart and Watanabe does not teach or suggest at least the following elements as recited in claim 7 (with emphasis added):

- “a wireless data controller adapted to receive said coordinates from said positioning controller and **cause said *coordinates* to be transmitted** to an associated server at **predetermined periodic intervals** responsive to an activation with the associated server and upon expiration of a watchdog timer that begins a first count upon said activation.”

With respect to claim 14, the combination of Stewart and Watanabe does not teach or suggest at least the following elements (with emphasis added):

- “transmitting ***coordinates* updates** from said wireless device via a wireless data network to a server, said server including a periodic timer for determining ***when said coordinates updates are to be received*** from said wireless device, said periodic timer being activated responsive to a registration of said associated ones with said server, wherein said coordinates updates are to be received upon periodic expirations of the timer.”

The Examiner appears to equate the router described in Stewart to the positioning server as recited in these claims. See *Action* p. 4 and 7. Applicants respectfully disagree. The router is merely capable of waiting a preselected time following receipt of an incoming call from a telephone to ascertain whether there is also a received ***location request signal***, not ***coordinates*** as presently recited in these claims. See *Stewart* at Col. 4 lines 55-68. The location request signal merely causes the router to direct the received caller identification to a processor 20 with access to a

caller database 22 and a map database 24. *See Stewart* at Col. 4 lines 61-65. In addition, the alleged “timer” in *Stewart* does not determine **when** coordinates are to be received. Rather, it only provides a window of time within which the location request signal **may or may not** be received.

The Examiner further relies on *Watanabe* to disclose a “periodic timer.” *See Action* p. 17. However, *Watanabe* fails to teach or suggest “a periodic timer for determining when said **coordinates** are to be received from associated ones of said plurality of network clients.” As discussed above, *Watanabe* merely describes the base station receiving a **location registration request** signal and determining a location area based on the mobile terminal status information at the location area determining function unit 3c. *See Watanabe* at paragraph [0036]. Even if the location registration request signal includes status information, as asserted by the Examiner, the status information merely includes the moving speed, frequency of call arrival etc. of the mobile terminal, and **not coordinates** of the mobile terminal. Indeed, only the base station determines a location area. *See Watanabe* at paragraph [0036] (“the base station controls the determination of a location area.”)

In addition, *Watanabe* fails to teach or suggest “**receiving indicia of a presence including user context**” as presently recited in claim 1. As described in the present Specification on page 9 lines 21-22, various user contexts, such as In Meeting, On Vacation, In the Office, etc., can be provided for. The “status information” disclosed by *Watanabe* at most relates to the current speed, frequency of call arrival, etc. which are independent of such user contexts.

As shown above, the combination of Stewart and Watanabe does not teach or suggest all of the elements and features of these claims. Accordingly, Applicants respectfully ask the Examiner to withdraw the rejection of these claims.

Dependent Claims 2-3, 8-9, 15

These claims ultimately depend upon independent claim 1, 7 or 14. As discussed above, claims 1, 7 and 14 are allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

Based upon Stewart in view of Watanabe, and further in view of Verdonk

The Examiner rejects claims 4-6 and 16-18 under 35 U.S.C. § 103(a) as being unpatentable over Stewart in view of Watanabe, and further in view of Verdonk. Applicants respectfully traverse the rejection of these claims and ask the Examiner to withdraw the rejection of these claims.

These claims ultimately depend upon independent claim 1 or 14. As discussed above, claims 1 and 14 are allowable over the combination of Stewart and Watanabe. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

For example, with respect to claim 4, Verdonk is relied on for allegedly teaching “**server sends one or more queries to an associated network client if a predetermined status message *has not been received within a predetermined period* as determined upon *expiration of said timer.*” Applicants respectfully disagree. Verdonk at most**

describes the serving MSC 102 receiving a route request and accessing its VLR 108, or sending a page to the mobile unit. See, for example, *Verdonk* at Col. 5 lines 38-53.

The route request is sent in response to the **initiation of location determination** for a mobile unit, and *not* in response to the **expiration of a timer** where a predetermined status message **has not been received within a predetermined period**.

In addition, *Verdonk* fails to compensate for the defects of *Watanabe* and *Stewart*. In particular, *Verdonk* does not teach or suggest at least a **periodic timer** for determining **when coordinates are to be received** from a network client responsive to receiving **indicia of presence including user context**.

Consequently, the combination of *Stewart*, *Watanabe* and *Verdonk* does not teach or suggest all of the elements and features of these claims. Accordingly, Applicants respectfully ask the Examiner to withdraw the rejection of these claims.

Based upon Stewart in view of McDowell, and further in view of Watanabe

The Examiner rejects claim 10 under 35 U.S.C. § 103(a) as being unpatentable over *Stewart* in view of *McDowell*, and further in view of *Watanabe*. Applicant respectfully traverses the rejection of these claims and asks the Examiner to withdraw the rejection of this claim.

Applicant submits that the combination of *Stewart*, *McDowell* and *Watanabe* does not teach or suggest at least the following elements as recited in this claim (with emphasis added):

- "said location control unit includes a periodic timer for determining **when said coordinates are to be received** from associated ones of said plurality of users, said periodic timer being activated responsive to a registration of said associated

ones with said telecommunications server, such that said ***coordinates*** are
received upon periodic expirations of the timer"

As discussed above, Stewart fails to teach or suggest the timer as claimed. In particular, the router described in Stewart is merely capable of waiting a preselected time following receipt of an incoming call from a telephone to ascertain whether there is also a received ***location request signal***, not ***coordinates*** as presently recited in this claim. See *Stewart* at Col. 4 lines 55-68. In addition, the alleged "timer" in Stewart does not determine ***when*** coordinates are to be received. Rather, it only provides a window of time within which the location request signal ***may or may not*** be received.

The Examiner further relies on Watanabe to disclose a "periodic timer." See Action p. 17. However, Watanabe fails to teach or suggest "said periodic timer being activated responsive to a registration of said associated ones with said telecommunications server, such that said ***coordinates*** are **received upon periodic expirations of the timer.**" As discussed above, Watanabe merely describes the base station receiving a **location registration request** signal and determining a location area based on the mobile terminal status information at the location area determining function unit 3c. See *Watanabe* at paragraph [0036]. Even if the location registration request signal includes status information, as asserted by the Examiner, the status information merely includes the moving speed, frequency of call arrival etc. of the mobile terminal, and ***not coordinates*** of the mobile terminal. Indeed, only the base station determines a location area. See *Watanabe* at paragraph [0036] ("the base station controls the determination of a location area.")

In addition, the Examiner relies on McDowell to disclose the centralized base station including a presence control unit and a location control unit. See Action p. 17. However, even if the Examiner's assertions were true, McDowell still fails to compensate for the defects of Stewart and Watanabe, as described above.

As shown above, the combination Stewart, McDowell and Watanabe does not teach or suggest all of the elements and features of this claim. Accordingly, Applicants respectfully ask the Examiner to withdraw the rejection of this claim.

Based upon the combination of Stewart and McDowell, in view of Watanabe, and in further view of Verdonk

The Examiner rejects claims 11, 12, and 13 under 35 U.S.C. § 103(a) as being unpatentable over the combination of Stewart and McDowell, in view of Watanabe, and further in view of Verdonk. Applicants respectfully traverse the rejection of these claims and ask the Examiner to withdraw the rejection of these claims.

These claims ultimately depend upon independent claim 10. As discussed above, claim 10 is allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

Appl. No. 10/672,902
Attorney Docket No. 2003P08213US
Amdt dated August 12, 2009
Reply to Office Action dated May 12, 2009

Conclusion

In view of the foregoing, Applicants believe that all claims now pending in this application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

Should the Examiner believe that a telephone conference would expedite prosecution of this application, please telephone or email me at your convenience.

Date: August 12, 2009

Respectfully submitted,



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